

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JOHN KNIGHT, DONNA RUSSELL
KNIGHT, CHARLES COLE, VIIU
NIILER, COUNTRY GLASS SHOP,
AUNT SADIE'S, INC., AND
SUSAN BOERMAN,

Plaintiffs,

V.

CHRISTMAS TREE SHOPS, INC.

Defendant.

Case No. 04 12698 JLT

**DEFENDANT CHRISTMAS TREE SHOPS, INC.'S
ASSENTED-TO MOTION
TO AMEND THE DISCOVERY ORDER OF JUNE 30**

With plaintiffs' assent, defendant Christmas Tree Shops, Inc. ("CTS") respectfully requests that the list of persons to be deposed, as set forth in this Court's June 30, 2005 Order, be amended in light of the Court's more recent Order of August 2, 2005. The more recent Order allowed Plaintiffs' Motion for Leave to File Amended Complaint -- thereby allowing the addition of two new plaintiffs -- and dismissed three counts of that Amended Complaint. Accordingly, CTS requests that two names be removed from the list of persons it may depose, and that three be added.

Specifically, CTS no longer anticipates any need to depose Cheryl Hannant and The Candle Factory, since the allegations originally implicating them appeared only in a now-dismissed count. CTS does request, however, that it be allowed to depose three witnesses with information pertaining to the claims brought by the recently added plaintiffs: new plaintiff Aunt Sadie's, Inc.; new plaintiff Susan Boerman; and Gary Briggs, a witness identified as having substantial discoverable information relating to the

newly added claims. See Plaintiffs' Sworn Statement Pursuant to Local Rules 26.1(B), dated June 23, 2005. CTS respectfully submits that these alterations will serve full, fair and efficient discovery in this case.

CTS further states that plaintiffs have assented to these alterations, though the parties disagree as to whether Charles Bilezikian, the Founder and CEO of CTS, may be deposed in the wake of this Court's dismissal of the only count, alleging RICO violations, as to which he arguably could have offered any discoverable information. A proposed Order reflecting these circumstances is attached.

Respectfully submitted,

CHRISTMAS TREE SHOPS, INC.

Assented to:

By its attorneys:

/s/ Joel D. Joseph
Joel D. Joseph, Esq.
7272 Wisconsin Avenue
Suite 300
Bethesda, MD 20814
Tel. 301-941-1989

Daniel Chaika, Esq.
CHAIKA & CHAIKA
30 Rolfe Square
Cranston, RI 02910
Tel. 401-941-5070

Attorneys for Plaintiffs

/s/ Carrie Kei Heim
Peter A. Biagetti, Esq.
Carrie Kei Heim, Esq.
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C.
One Financial Center
Boston, MA 02111
Tel. 617-542-6000
Fax 617-542-2241

Dated: September 19, 2005

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JOHN KNIGHT, DONNA RUSSELL
KNIGHT, CHARLES COLE, VIIU
NIILER, COUNTRY GLASS SHOP,
AUNT SADIE'S, INC., AND
SUSAN BOERMAN,

Plaintiffs,

v.

CHRISTMAS TREE SHOPS, INC.

Defendant.

Case No. 04 12698 JLT

ORDER

Upon consideration of Defendant Christmas Tree Shops, Inc.'s Assented-To Motion to Amend the Discovery Order of June 30, this Court hereby orders that:

1. Plaintiffs may depose (1) Carolyn Cummings, (2) Greg Bilezikian, (3) Charles Bilezikian*, (4) Christine Hildreth, (5) Ann Neary, (6) Kathy Uggenholt, (7) Edith Choi, and (8) Millie Poon;
2. Defendant may depose (1) John Knight, (2) Donna Russell Knight, (3) Charles Cole, (4) Viiu Niiler, (5) Joel Joseph, (6) Country Glass Shop, (7) The Glass Eye Gallery, (8) Aunt Sadie's, Inc., (9) Susan Boerman, and (10) Gary Briggs;
3. The Parties shall complete discovery by November 30, 2005;
4. No additional discovery will be permitted without leave of this court; and

*Charles Bilezikian may be deposed only after defendant's objections have been resolved by agreement of the parties or by motion filed pursuant to F.R.Civ. P. 26(c).

5. A further Conference is scheduled for December 6, 2005 at 10:00 a.m.

IT IS SO ORDERED.

Tauro, J.

Dated: _____, 2005